



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

JOSEPH SCHAUDER,
Plaintiff,

vs.

ACADEMY COLLECTION SERVICES,
Defendant.

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CIVIL ACTION NO. 8:07-335-HFF-WMC

ORDER

This case was filed pursuant to the Fair Debt Collection Practices Act. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge, suggesting that (1) Defendant's motion to withdraw its memorandum in opposition to Plaintiff's motion for partial summary judgment be granted, and (2) Plaintiff's motion for partial summary judgment be granted as to the statutory liability of Defendant. The Report further recommends that should this Court adopt the Report, (1) the parties should be allowed to proceed solely for the purpose of establishing Plaintiff's actual damages, if any, which may exist in addition to statutory damages, and (2) Plaintiff's motion to compel should be rendered moot. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo

determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 4, 2008, but the parties failed to file any objections to the Report. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that (1) Defendant's motion to withdraw its memorandum in opposition to Plaintiff's motion for partial summary judgment be **GRANTED**, and (2) Plaintiff's motion for partial summary judgment be **GRANTED** as to the statutory liability of Defendant. The parties shall proceed solely for the purpose of establishing Plaintiff's actual damages, if any, which may exist in addition to statutory damages. Further, Plaintiff's motion to compel shall be deemed **MOOT**.

IT IS SO ORDERED.

Signed this 29th day of January, 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within 30 days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.